IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 17TH JANUARY 2007 / 27TH PAUSHA 1928

LA.App..No. 33 of 2007()

APPELLANT: RESPONDENT NO.1:

STATE OF KERALA.

BY ADDL.ADVOCATE GENERAL & G.P.SMT. DEEPA

RESPONDENTS: CLAIMANTS:
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1. NAZRATH ISADORE GOMEZ,
ST. XAVIER'S COLLEGE P.O.,THIRUVANANTHAPURAM.

2. RITA GOMEZ OF -DO- -DO-.

3. THE GENERAL MANAGER,
SOUTHERN RAILWAY (CHENNAI).

BY

THIS LAND ACQUISITION APPEAL HAVINGCOME UP FOR ADMISSION ON 17/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & A.K. BASHEER, JJ.

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L.A.A.NO.33/2007 & C.M.APPL.43/2007

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DATED THIS THE 17TH DAY OF JANUARY, 2007.

JUDGMENT

Kurian Joseph, J.

There is a delay of 236 days in filing the appeal. It is seen that the files were received in the office of the Advocate General on 2.2.2006 and the appeal is filed only on 8.11.2006. There is absolutely no explanation for the delay.

2. On merits, it is seen that the acquisition is for doubling of the railway line between Kollam and Thiruvananthapuram. The acquired property is only 3.5 ares. The notification is on 15.9.1993. Award is dated 25.6.1996. The enhancement made by the reference court is only 20%. It is seen that the claimants had adduced evidence as AW.1. Though Exts.R1 and R2 mahazar were produced, the same were not proved. No witness was examined on the side of the respondents. It is seen that considering the importance of the locality only the enhancement was given.

In the above facts and circumstances, we do not find any justification for condonation of delay. The delay petition is accordingly dismissed.

In view of the dismissal of the delay petition, the appeal is also dismissed.

(Kurian Joseph, Judge.)

(A.K. Basheer, Judge.)

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